

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Carlos Jamal Blevins,	)	
	)	
Petitioner,	)	No. CV-07-2556-PHX-PGR (MEA)
vs.	)	
	)	
Dora Schriro, et al.,	)	<u>ORDER</u>
	)	
Respondents.	)	

Having reviewed *de novo* the Report and Recommendation of Magistrate Judge Aspey, filed on May 6, 2008, notwithstanding that no party has filed any objection to it, the Court finds that the Magistrate Judge correctly concluded that the petitioner's habeas corpus petition, filed on December 10, 2007 pursuant to 28 U.S.C. § 2254, should be dismissed as being time-barred pursuant to 28 U.S.C. § 2254(d) inasmuch as the limitations period expired on March 18, 1999, and the petitioner has not established any reason for tolling the limitations period.<sup>1</sup> Therefore,

IT IS ORDERED that the Magistrate Judge's Report and Recommendation

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<sup>1</sup>

Although the petitioner contends that he is entitled to federal habeas relief pursuant to Apprendi v. New Jersey, 530 U.S. 466 (2000), Apprendi has no applicability because it was decided after the petitioner's conviction became final and has not been made retroactive.

1 (doc. #13) is accepted and adopted by the Court.

2 IT IS FURTHER ORDERED that the petitioner's Petition Under 28 U.S.C.  
3 § 2254 for a Writ of Habeas Corpus by a Person in State Custody is denied and  
4 that this action is dismissed with prejudice. The Clerk of the Court shall enter  
5 judgment accordingly.

6 DATED this 2<sup>nd</sup> day of June, 2008.

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10 Paul G. Rosenblatt  
11 United States District Judge  
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